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ENVIRONMENTAL PROTECTION
AGENCY
NEW YORK, N.Y. 10007

SEP 18 1984

PAB
NJD000692053

Mr. Anthony J. Cavalier
Chief, Bureau of Registration and Permits Administration
Division of Waste Management
New Jersey Department of Environmental Protection
32 East Hanover Street, CN 028
Trenton, New Jersey 08625

Dear Mr. Cavalier:

This letter serves to inform you that the Environmental Protection Agency (EPA) Region II has received the draft permit NJD000692053 for Emergency Technical Services Corporation, and evaluated the nature of its operation for the handling of hazardous waste at its facility, located off County Road 515 and Mudd Pond Road, Vernon Township, Sussex County, New Jersey. Comments on these matters was requested by the New Jersey Department of Environmental Protection (NJDEP), in a letter dated August 2, 1984.

EPA Region II has the comments listed in Attachment A of this letter on the above referenced permit.

If there are any inquiries regarding our comments, please feel free to contact Mr. John Chang-Chen of my staff at (212) 264-1064, who will coordinate with NJDEP personnel, as appropriate.

I know that these comments will be given utmost consideration and that our agencies will continue to cooperate in meeting our mutual goals of making the RCRA a successful program.

Sincerely yours,

James Reidy, F.E.
Chief
Permit Section
Solid Waste Branch

Enclosure

cc: Frank Coolick, NJDEP

bcc: Richard Baker, PAB

ATTACHMENT A

Comments on Draft Permit for Emergency Technical Services Corporation

(EPA I.D. Number NJD000692053)

Preparedness and Prevention Plan

1. The Preparedness and Prevention Plan fails to include provisions to ensure proper management and handling of ignitable, reactive and incompatible waste. A description of the precautions taken by the Emergency Technical Services Corporation (ETSC) to demonstrate compliance with general requirements for ignitable, reactive or incompatible wastes as required by N.J.A.C. 7:26-9.4(e) should be provided.
2. While Condition 17.(a) calls for portable fire extinguishers to be mounted in locations throughout the facility site, ETSC currently only maintains three fire extinguishers on-site. NJDEP should ensure that adequate fire fighting equipment be installed.

Contingency Plan

1. The Contingency Plan must document arrangements agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams to coordinate emergency services.
2. Emergency equipment should also include first aid and medical supplies and emergency decontamination equipment.
3. Specific responses and control procedures to be taken in the event of an explosion, or release of hazardous waste to the air, land or water, has not been provided by ETSC.
4. Emergency equipment listed by ETSC needs more details. The list must include a brief description of the capabilities of each item.

Inspection Plan

1. Inspection schedule for the following items was not provided for the following areas:
 - ° Monitoring equipment
 - ° Emergency and safety equipment
 - ° Testing, as necessary, of communications or alarm systems, fire protection equipment and decontamination equipment, as required by N.J.A.C 7:26-9.66(c)
 - ° Loading and unloading areas

Personnel Training Plan

1. Personnel Training Program needs to include instruction in emergency response to spill, fire or explosion.
2. Training frequency should be described.

Closure Plan

1. Please clarify the apparent error on Condition 23.(a) regarding the date the closure plan was revised, since ETSC further revised its closure plan in a letter addressed to NJDEP, dated June 19, 1984.
2. Criteria for determining contamination and procedures to demonstrate decontamination has been effective but, has not been addressed to to decontaminate facility equipment during closure. An example would be task 3 of the closure plan: Description of the Steps Needed to Decontaminate Facility Equipment During Closure, ETSC states "some equipment will be cleaned" and "the four concrete pads on the site will also be cleaned." The decontamination process for equipment and concrete pads should include procedures for cleaning and verification of decontamination.
3. All equipment and/or facilities requiring decontamination need to be addressed (e.g., potential soil contaminated areas, diked and bermed areas surrounding hazardous waste activity portions, tank and tank trucks).
4. Closure cost estimation lacks the necessary depth to ensure proper estimation. The cost estimate should include the following categories: removal, transportation, disposal, auxiliary equipment, materials, labor, contractors (if required), administrative, contingency and closure certification.
5. Based on the revised closure plan which ETSC submitted to NJDEP on June 19, 1984, no maximum waste inventory for on-site generated hazardous waste (ash and residues) is provided. In addition, detailed procedures for the removal or disposal of waste inventory have not been addressed.
6. The form and wording of the financial assurance documents must be reviewed to determine if the total amount accurately reflect the true closure cost.

General

1. The Part A application needs to be revised. Item IV of form 3 (Description of Hazardous Wastes) of Part A is incorrect.
2. Condition 10, Monitoring and Records, should address quality assurance for monitoring.
3. Provision should be provided for the permittee to notify regulatory agency when hazardous waste is expected to be received from a foreign source.
4. N.J.A.C. 7:26-11.6(e) applies to the owner or operator of an open burning and detonation hazardous waste facility, who is eligible to operate the facility, prior to final disposition of a permit application. Open burning and detonation are restricted only to waste explosives and highly reactive wastes which have not only the potential to detonate, but also wastes which display characteristics of both ignitability and reactivity, to such a degree that they cannot be disposed of through other conventional modes of treatment, without creating an eminent threat to human health and public safety. Exhibit I of the draft permit listed 277 waste materials which ETSC is authorized to accept for open burning and detonation activity. EPA questions whether some of the waste materials can be disposed of by conventional modes of treatment. For example, disposal method may be available for Ethyl Ether, Vinyl Chloride, Aceton, Jet Fuel and Aluminum Chloride, just to name a few. In addition, at the present time, requirements for hazardous waste open burning and detonation have not been promulgated. It is recommended that rationale for NJDEP's decision to issue this permit should be addressed in the fact sheet. The fact sheet also lacks the necessary depth as to why such a permit is warranted and how public safety and surrounding environment will be properly safeguarded due to ETSC's activity.

Facility: Emergency Technical Services Corporation (ETSC) (Commercial S/T)
EPA I.D. Number NJD000692053

Item	Schedule*	Actual	Comments
Part B request letter	-	-	
ACO** requesting sub- mission of Part B application	-	10/6/81	
Submission of Part B	2/11/82	2/11/82	The schedule date was requested by the ACO.
Administrative NOD	3/11/82	-	Not performed.
Response to Administra- tive NOD	6/11/82	-	Not performed.
Completeness determina- tion	7/11/82	12/13/82	The application was deemed as administra- tive complete by NJDEP.
Technical NOD	11/11/82	6/14/83	This technical NOD gave the facility 45 days for response. The site was referred to Enforcement on July '83.
Response to Technical NOD	N/A***	12/10/83	This response was requested through another ACO signed between both parties on September 11, 1983.
Draft Permit/Denial	N/A***	5/4/84	
Public Notice	N/A***	8/2/84	

* Schedule dates were taken from proposed Permit Review timeframes from New Jersey.

** ACO = Administrative Consent Order.

*** N/A = Not applicable because the case was referred to the NJDEP enforcement group.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT

32 E. Hanover St., CN 028, Trenton, N.J. 08625

MARWAN M. SADAT, P.E.
DIRECTOR

James Reidy, P.E., Chief
Permit Section, Solid Waste Branch
U.S.E.P.A. Region II
26 Federal Plaza
New York, NY 10278

RE: Emergency Technical Services Corp. (ETSC)
Vernon, NJ
EPA ID NO. NJD 000 692 053
Comments on Draft Permit 9/18/84

Dear Mr. Reidy:

84. A public hearing on the draft permit was held September 13, 1984 with the comment period being held open until October 1, 1984. The response to all comment including comment received in your September 18, 1984 letter are currently being consolidated in a "response and comment" document being prepared by this Bureau.

As a point of interest, the Department and the facility are involved in a court case with Vernon Township concerning the local zoning laws. A trial is scheduled for January 2, 1985 in Morris County.

This letter (and attachments) is intended to respond to the concerns raised in the Region II review of the draft permit and as outlined in your September 18, 1984 letter.

As an initial overall comment, it appears that the review at Region II was made on the draft permit and not on the entire file containing supporting Part B documentation. This documentation is attached and referenced as required in the responses.

Comment:

Preparedness and Prevention Plan

1. The Preparedness and Prevention Plan fails to include provisions to ensure proper management and handling of ignitable, reactive and incompatible waste. A description of the precautions taken by the Emergency Technical Services Corporation (ETSC) to demonstrate compliance with general requirements for ignitable, reactive or incompatible wastes as required by N.J.A.C. 7:26-9.4e should be provided.

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Response:

The December 4, 1983 Contingency Plan is attached - please refer to the third page (Schedule A) which gives an overview of the facilities management of ignitable and reactive waste. The plan itself presents details.

Comment:

2. While Condition 17.(a) calls for portable fire extinguishers to be mounted in locations throughout the facility site, ETSC currently only maintains three fire extinguishers on-site. NJDEP should ensure that adequate fire fighting equipment be installed.

Response:

The site is an outdoor facility with the active (fence enclosed) portion being 120' X 140'. The owner/operator lives 400' from the site. A pond is located about 300' from the site and is intended by the DEP to provide under Condition 17(b) an adequate water supply for ground and structure fires. As an addendum to 17(b), a stand pipe will be required to be installed in the pond for access to water by responsive fire fighting equipment. The three fire extinguishers on-site are deemed adequate by the DEP for the current facility operational size.

Comment:Contingency Plan

1. The Contingency Plan must document arrangements agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams to coordinate emergency services.

Response:

At the end of the Contingency Plan are the documents and certified letter receipts relating to this concern.

In addition, Condition 18(d) specifies semi-annual drills involving all employees and appropriate local authorities.

Comment:

2. Emergency equipment should also include first aid and medical supplies and emergency decontamination equipment.

Response:

The office and the facility trailer contain first aid equipment and protective clothing including environmental suits, fire proximity suits, first aid, respiratory and body safety equipment. Inspections have verified this as well as verification of sufficient two way mobile communication equipment for everyone on the site (battery recharge equipment on-site).

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Comment:

3. Specific responses and control procedures to be taken in the event of an explosion, or release of hazardous waste to the air, land or water, has not been provided by ETSC.

Response:

See pages 3 through 6 of the Contingency Plan attached.

Comment:

4. Emergency equipment listed by ETSC needs more details. The list must include a brief description of the capabilities of each item.

Response:

The permittee will be required to fully address this concern as it is not adequately covered in the current plan in regard to capabilities.

Comment:Inspection Plan

1. Inspection schedule for the following items was not provided for the following areas:
 - °Monitoring equipment
 - °Emergency and safety equipment.
 - °Testing, as necessary, of communications or alarm systems, fire protection equipment and decontamination equipment, as required by N.J.A.C. 7:26-9.66(c).
 - °Loading and unloading areas.

Response:

The inspection schedule will include those items above not currently listed in permit Condition 19. Attached is a copy of the current schedule as submitted with the Part B submittal. Additionally, the comment changes will be incorporated in the facility schedule attached.

Comment:Personnel Training

1. Personnel Training Program needs to include instruction in emergency response to spill, fire or explosion.
2. Training frequency should be described.

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Response:

Attached is a copy of the Personnel Training Plan which was part of the original Part B submitted in 1982 and considered acceptable by the Department. The facility operates with a small staff of 4-5 people who are required to be technically oriented as a requisite of employment. The nature of disposal requires special training and background. The owner is licensed by the State of New Jersey to store and transport detonaters and explosives as well as also being licensed as a blaster.

Comment:Closure Plan

1. Please clarify the apparent error on Condition 23.(a) regarding the date the closure plan was revised, since ETSC further revised its closure plan in a letter addressed to NJDEP, dated June 19, 1984.

Response:

The Draft Permit was prepared in May, 1984 and the dated June 19, 1984 revision was not incorporated through an oversight on the permit writer's part. The permit will be corrected in its final form with the properly referenced and dated plan when and if the permit is issued.

Comment:

2. Criteria for determining contamination and procedures to demonstrate decontamination has been effective but, has not been addressed to decontaminate facility equipment during closure. An example would be task 3 of the closure plan: Description of the Steps Needed to Decontaminate Facility Equipment During Closure, ETSC states "some equipment will be cleaned" and "the four concrete pads on the site will also be cleaned". The decontamination process for equipment and concrete pads should include procedures for cleaning and verification of decontamination.

Response:

A copy of the June 19, 1984 revision is attached for reference purposes. The facility has been advised to revise the plan to specifically outline the decontamination procedures. Measures such as hydroblasting and sand blasting will be incorporated in the methodology of cleaning. The cleaned concrete, surrounding soil, and any cleaned metal surfaces (burning dish) will be scrape sampled and tested for parameters to be included in the plan. It should be noted that a quarterly sampling and testing protocol as part of the Part B to analyze ground, surface (storm waters) and residue is addressed in Condition 10 of the permit. Since the issuance of the Draft Permit, the Department has instituted a soil contaminant monitoring plan as a permit condition for all permits. This will also be applied in the case of ETSC. These two monitoring requirements will allow the Department a means of determining potential contaminant problems which would be subject to abatement measures prior to a closure.

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Comment:

3. All equipment and/or facilities requiring decontamination need to be addressed (e.g., potential soil contaminated areas, diked and bermed areas surrounding hazardous waste activity portions, tank and tank trucks).

Response:

As indicated in the previous item, the concerns cited are to be incorporated as standard ongoing permit conditions. The same parameters will be prescribed to be incorporated in the closure plan for soil testing at closure.

It should be mentioned that the facility is completely outdoors consisting of seven (7) metal $3\frac{1}{2}'$ X $3\frac{1}{2}'$ X $3\frac{1}{2}'$ storage magazines, drums on concrete padding, with the only tank on-site being a 350 gallon propane tank which is remotely positioned from the active portion. Propane is used as a supplemental fuel in thermal destruction, usually in the burn tube or the burn pan areas which are fed by piping from the propane tank.

Comment:

4. Closure cost estimation lacks the necessary depth to ensure proper estimation. The cost estimate should include the following categories: removal, transportation, disposal, auxiliary equipment, materials, labor, contractors (if required), administrative, contingency and closure certification.

Response:

In the seven (7) day plan, Item 1 covers shipment and disposal of materials off-site at \$150.00 per drum (6 drums = \$900). This was to address transportation and disposal. Item 2 was to address labor, removal, and packing taking $1\frac{3}{4}$ man days at \$100 per man day = \$175. Also in Item 2 were 4 administrative man days at \$500 per man day to dispose on-site of remaining non disposed inventory reducing same to zero (total = \$2,000).

Item 3 consisted of labor to collect samples ($\frac{1}{4}$ man day = \$25), full priority pollutant analysis of samples \$1,200 and certification by a professional engineer \$500 for a total closure cost of \$4,800.

The facility will be required to document in detail the concerns cited as it appears that estimations are too general and should be specific.

Comment:

5. Based on the revised closure plan which ETSC submitted to NJDEP on June 19, 1984, no maximum waste inventory for on-site generated hazardous waste (ash and residues) is provided. In addition, detailed procedures for the removal or disposal of waste inventory have not been addressed.

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Response:

Section 3, page 4 of the plan states that residues and cleaning material used will "be placed in 55-gallon containers for shipment to a USEPA approval site". The permit Condition (14) states "the permittee may accumulate drums containing on-site generated hazardous waste (ash and residue) provided that they are managed according to N.J.A.C. 7:26-9.4(d) and disposed of with manifests to authorized disposal or transfer facilities [maximum accumulation of residue drums will be (10) (55 gallon)]".

The facility will be advised to elaborate on quantification of drums with respect to those resulting from closure and those normally on-site and to reflect any changes in total closure cost. Additionally, the procedure for removal or disposal will be addressed in a more detailed manner as requested in the referenced concern.

Comment:

6. The form and wording of the financial assurance documents must be reviewed to determine if the total amount accurately reflect the true closure cost.

Response:

The financial insurance documents (trust fund and letter of credit) are in force and reflect a closure cost of \$5,000 against the current \$4,800 amount reflected in the plan (copy of letter of credit attached).

If a revised closure plan reflects an amount beyond \$5,000, the permit cannot be issued until the financial assurance amount covers the amount of cost closure estimate.

Comment:General

1. The Part A application needs to be revised. Item IV of form 3 (Description of Hazardous Wastes) of Part A is incorrect.

Response:

A copy of a February 10, 1983 letter from the facility to Region II is attached requesting that the Item IV of Form 3 be changed to include ETSC as a generator because of a typographical error. Also requested of Region II in this February 10, 1983 letter was that the UIC be deleted since it was inappropriately filed as it related to domestic A sewage (septic tank) approximately 700 feet from the facility.

The February 24, 1984 RCRA data base shows ETSC as a generator, transporter, and TSDF (The March 16, 1982 original sheet we have does not list generator).

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The facility will be requested to revise the Part A application as cited in your comment.

Comment:

2. Condition 10, Monitoring and Records, should address quality assurance for monitoring.

Response:

To be incorporated as a permit condition the following will become Paragraph (c) (monitoring and records).

The permittee shall conduct a quality assurance program to assure that monitoring data is technically accurate and statistically valid. The quality assurance program shall be in accordance with Section 10 of "Test Methods for Evaluating Solid Waste" as appearing in EPA PUB SW 846 2nd Edition 1982".

This requirement information was secured from Region II via a recent telecon.

Comment:

3. Provision should be provided for the permittee to notify regulatory agency when hazardous waste is expected to be received from a foreign source.

Response:

N.J.A.C. 7:26-7.6(c) does not require regulatory agency notification. The facility's only foreign receipts would appear to be Canada based on the type of activity conducted. To the Department's knowledge notification of regulatory agencies applies only in the case of export or shipping out of the country. Federal and State regulations specify to this effect.

Comment:

4. N.J.A.C. 7:26-11.6(e) applies to the owner or operator of an open burning and detonation hazardous waste facility, who is eligible to operate the facility, prior to final disposition of a permit application. Open burning and detonation are restricted only to waste explosives and highly reactive wastes which have not only the potential to detonate, but also wastes which display characteristics of both ignitability and reactivity, to such a degree that they cannot be disposed of through other conventional modes of treatment, without creating an eminent threat to human health and public safety. Exhibit I of the draft permit listed 277 waste materials which ETSC is authorized to accept for open burning and detonation activity. EPA questions whether some of the waste materials can be disposed of by conventional modes of treatment. For example, disposal method may be available for Ethyl Ether, Vinyl Chloride, Acetone, Jet Fuel and Aluminum Chloride, just to name a few. In addition, at the present

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time, requirements for hazardous waste open burning and detonation have not been promulgated. It is recommended that rationale for NJDEP's decision to issue this permit should be addressed in the fact sheet. The fact sheet also lacks the necessary depth as to why such a permit is warranted and how public safety and surrounding environment will be properly safeguarded due to ETSC's activity.

Response:

N.J.A.C. 7:26-11.6(e) is patterned after 40 CFR 265.382 particularly in the distance parameter restriction N.J.A.C. 7:26-11.6(e) and 40 CFR 265.382 allow open burning or detonation. In the May 19, 1980 Federal Register Vol. 45 No. 98, the Agency established these distances as published by the Department of Defense. These limits are further defined as those locations where there may be persons in the open (e.g. the property of others) and were developed as minimum safe distances for the protection of persons in the open from fragmentation, flying debris or the effects of over pressure. It was further indicated that RCRA Phase II and Phase III would address this further with standards of design and operation to assist permitting officials, the regulated community, and the public in evaluating the adequacy of specific types of thermal treatment process.

ETSC is a RCRA interim status facility with an existence date of December 28, 1978 and, being a commercial facility, was highlighted as a high priority facility when New Jersey Regulations became effective. To this date no Federal or State guidelines have been issued for open burning or detonation aside from the distance parameter.

The 0-100 lbs., 670 ft. distance requirement was addressed by the Department per a cease operations Administrative Order of March 4, 1983 followed by a March 29, 1984 stay of the order pending reduced quantity operations and additional safeguards. An April 29, 1983 site meeting was held followed by a period of construction and a September 8, 1983 trial detonation evaluation which resulted in the parameters listed in Paragraph (14) Authorized Activity Section. In essence, there is a two pound maximum total weight of detonation, fencing and locking in of the area, prior horn signals, and prior immediate area inspection, all restricted to daylight hours, as conditions of detonation disposal. In addition, the detonation area has been barricaded (bermed) sixteen (16) feet above the detonation area level. Using as a reference document a May, 1983 Institute of Makers of Explosives Publication "The American Table of Distances" (copy enclosed) of 2-5 lbs. lists 70 ft. as a minimum distance for inhabited buildings barricaded and 140 ft. for unbarricaded. The closest building (residence of owner) is 500 ft. In addition, the facility is surrounded by high density timber which protects the surrounding exposure area from detonation sound or over pressure by acting as a natural barricade or barrier. As a final point, detonation is governed by weather and wind conditions as part of range log conditions which are recorded. Approximately 10-15% of disposal is accomplished by detonation and the remainder by open burning. Yearly total quantities to date are 27,455 for 1982, 39,537 for 1983, and a projected 50,000 for 1984 (38,348 to September 12, 1984).

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The items such as ethylether, acetone, jet fuel cited for disposal methods have been in the past referred to on manifests as small quantity units contaminated usually via peroxide formation, or other items which render them pyrophoric or explosive. These materials lose peroxide inhibition character with age and are not the same as originally manufactured items. No records exist showing large quantities such as drums or bulk shipment of acetone, jet fuel, or vinyl chloride. Anhydrous aluminum chloride forms a poisonous gas on contact with water (HCl) and reacts violently with same. It is disposed of in small quantities by thermal open burning.

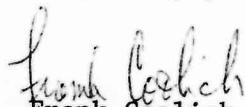
The list of authorized receivable waste materials is also going through an exhaustive review by classification personnel and will be incorporated only after full verification allows them to be listed.

The rationale as presented in the fact sheets have to this date been intended to be brief as indicated in the regulations N.J.A.C. 7:26-12.11 and 40 CFR Title 124.8.

It is hoped that the responses previously listed herein plus the attachments will allow for the supply of necessary depth as to why such a permit is warranted. Additional data is available in the file. It is recognized that this is a unique disposal facility which has responded to all regulatory requests within the framework of regulations. Additionally, the compliance and enforcement history has been very good to date.

Since the permit issuance is currently a court case, the permit issuance is on hold. Revisions and circulation to appropriate concerned persons and agencies will proceed as dictated by the court decisions. It is even possible that permit denial may result and in this case you will also be notified.

Very truly yours,



Frank Coolick, Chief

Bureau of Hazardous Waste Engineering

EP5/slw
Attachments